IN THE HIGH COURT OF JUDICIATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX REFERENCE NO.1007 OF 1998

The Commissioner of Income-tax,
Bombay City-I, Bombay .. Applicant.
V/s.
Navketan International Films
P. Ltd. .. Respondent.

Mr.Parag Vyas with Mr.Ashok Kotangale & Mr.A.S. Rao for the applicant.

CORAM : V.C. DAGA &
J.P. DEVADHAR, JJ.

DATED : 18TH OCTOBER, 2005.

P.C. :

1. Heard the learned counsel for the applicant. The Tribunal has referred following question for the opinion of this Court reading as under :-

> Whether in the facts and in the circumstances of the case, the Tribunal was right in law in holding that in the case of a film producer each movie is a separate and independent new industrial undertaking and, therefore, provisionsof sec.37(3D) and not that of sec.37(3A) would apply to the expenditure incurred on publicity ?

2. The learned counsel for the applicant-revenue fairly submits that the above question has already been answered by the Division Bench of this Court in the case of CIT V/s. S.M. Sagar [(2003) 261 ITR 271 (bom)] in favour of the assessee and against the revenue. In this view of the matter, question stands answered in affirmative for the reasons stated in the case cited supra. Reference, accordingly stands disposed of with no order as to costs.

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